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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,885	09/30/2003	John P. Townsend	US-1388-FFEM	8090
7590	05/04/2004		EXAMINER	
Daniel DeJoseph F.L. Smidth Inc. 2040 Avenue C Bethlehem, PA 18017-2188			LU, JIPING	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/676,885	TOWNSEND ET AL.
	Examiner	Art Unit
	Jiping Lu	3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-13, 15-20 and 22-25 is/are rejected.
- 7) Claim(s) 14 and 21 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6, 8-12, and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardner (U. S. Pat. 5,915,959).

Gardner shows a preheating apparatus for particulate material comprising (A) a secondary preheating chamber with sloped floor 56, a material outlet (at 34), a gas inlet (at 18) and at least one reciprocally movable material pusher 74 for moving particulate material in the lower chamber toward the material outlet; and (B) at least one initial preheating chamber 12 with material inlet 40, gas inlet (at 80), material outlet (at 83), a gas outlet (at 66) which are arranged same as claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4-5, 7, 15-19, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner (U. S. Pat. 5,915,959).

Gardner shows a preheating apparatus for particulate material comprising (A) a secondary preheating chamber/cassette with sloped floor 56, a material outlet (at 34), a gas inlet (at 18) and at least one reciprocally movable material pusher 74 for moving particulate material in the lower chamber toward the material outlet; and (B) at least one initial preheating chamber 12 with material inlet 40, gas inlet (at 80), material outlet (at 83), a gas outlet (at 66) which are arranged same as claimed. With regard to the claimed cassette shape, it would have been an obvious matter design choice to design the cassette at any desired shape in order to obtain the optimum preheating result.

6. Claims 13, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner (U. S. Pat. 5,915,959) in view of Giaier et al. (U. S. Pat. 4,602,572).

Gardner shows a preheating apparatus for particulate material comprising a preheating vessel with a floor 56, a ceiling, sidewalls, material inlet and outlet, gas inlet, gas exhaust and a reciprocally movable material pusher 74 which are arranged same as claimed (see Fig. 2).

However, Gardner does not show a pusher with two steps. Giainer et al. show in Fig. 4 a reciprocally movable material pusher 24 with at least two steps same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the pusher 24 of Giainer et al. for the pusher 74 of Gardner in order to improve the system efficiency.

Allowable Subject Matter

7. Claims 14, 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beckenbach et al. (U. S. Pat. 4,767,322) shows an apparatus for charging a shaft furnace.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 703-308-2354. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703 308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jiping Lu
Primary Examiner
Art Unit 3749

J.L.